

PATRICIA S. DODSZUWEIT

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UNITED STATES COURT OF APPEALS
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

October 04, 2022

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RE: Robert Wharton v. Superintendent Graterford SCI, et al

Case Number: 22-2839

District Court Case Number: 2-01-cv-06049

PACER account holders are required to promptly inform the PACER Service Center of any contact information changes. In order to not delay providing notice to attorneys or pro se public filers, your information, including address, phone number and/or email address, may have been updated in the Third Circuit database. Changes at the local level will not be reflected at PACER. Public filers are encouraged to review their information on file with PACER and update if necessary.

To All Parties:

Attorneys are required to file all documents electronically through the Court's Electronic Case Filing System. See 3d Cir. L.A.R. 113 and the Court's website at www.ca3.uscourts.gov/cmece-case-management-electronic-case-files.

Enclosed is case opening information regarding the above-captioned appeal filed by **Nancy Winkelman, Paul M. George, District Attorney Philadelphia**, docketed at **No. 22-2839**. All inquiries should be directed to your Case Manager in writing or by calling the Clerk's Office at 215-597-2995. This Court's rules, forms, and case information are available on our website at <http://www.ca3.uscourts.gov>.

On December 1, 2009, the Federal Rules of Appellate and Civil Procedure were amended modifying deadlines and calculation of time. In particular those motions which will toll the time for filing a notice of appeal under Fed.R.App.P. 4(a)(4), other than a motion for attorney's fees under Fed.R.Civ.P. 54, will be considered timely if filed no later than 28 days after the entry of judgment. Should a party file one of the motions listed in Fed.R.App.P 4(a)(4) after a notice of appeal has been filed, that party must immediately inform the Clerk of the Court of Appeals in writing of the date and type of motion that was filed. The case in the court of appeals will not be stayed absent such notification.

Section 1: Counsel for Appellants

Important Notice: The appointment of counsel under the Criminal Justice Act (CJA) in a habeas case is discretionary. See 18 U.S.C. Section 3006A(2)(B). Under this Court's Internal Operating Procedures, counsel is appointed for financially eligible litigants when a certificate of appealability is granted. See I.O.P. 10.3.2. Accordingly, District Court appointments pursuant to the CJA are not automatically carried over to this Court. You will not be appointed in this Court unless and until a certificate of appealability is granted. If you elect to continue your representation absent a certificate of appealability, you should file your entry of appearance. Please be advised that if a certificate of appealability is not granted, you will not be reimbursed by this Court for any work completed regarding this appeal. Any request for compensation under the CJA for preparation of the application for a certificate of appealability must be submitted to the District Court. If you elect to continue only upon appointment in this Court, you should not file your entry of appearance until the certificate of appealability issue has been resolved.

A. If you elect to continue your representation of Appellants, you must file:

1. Application for Admission (if applicable)
2. Appearance Form

3. Civil Information Statement
4. Disclosure Statement (except governmental entities);
5. Transcript Purchase Order Form.

These forms must be filed within **fourteen (14) days** of the date of this letter.

B. If you elect not to continue representation, you must file a letter advising the Clerk that you will not be participating and also state whether you wish to be appointed as CJA counsel if a certificate of appealability is granted.

Section 2: Counsel for Appellees

As counsel for Appellee(s), you must file:

1. Application for Admission (if applicable)
2. Appearance Form
3. Disclosure Statement (except governmental entities).

These forms must be filed within **fourteen (14) days** of the date of this letter.

Parties who do not intend to participate in the appeal must notify the Court in writing. An original of this notice must be filed, along with a certificate of service.

Attached is a copy of the full caption in this matter as it is listed in the district court. Please review the caption carefully and promptly advise this office in writing of any discrepancies.

Very Truly Yours,
s/ Patricia S. Dodszuweit
Clerk

By: s/ Desiree
Case Manager
Direct Dial: 267-299-4252

cc: Victor J. Abreu, Jr., Esq.
Paul M. George, Esq.
Max C. Kaufman, Esq.
Elizabeth McHugh, Esq.
Matthew Stiegler, Esq.
Claudia Vanwyk, Esq.